

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

Crl.MC.No. 1212 of 2015 ()

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SC 342/2010 of ADDITIONAL SESSIONS COURT - IV, KOTTAYAM
CRIME NO. 69/2009 OF PONKUNNAM POLICE STATION , KOTTAYAM DISTRICT
=====**

PETITIONER/ACCUSED NO.4:

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BRILBY KURIEN @ SABU, AGED 34 YEARS
S/O.KURIEN, CHITTAZHATH(H), N.A.D. P.O.
KOMBARA, ALUVA**

**BY ADVS.SRI.T.H.ABDUL AZEEZ
SRI.V.A.AJMAL**

RESPONDENTS/STATE & COMPLAINANT:

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STATE OF KERALA
REPRESENTED BY PONKUNNAM POLICE STATION
THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682031.**

BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

SD

P. UBAID, J.

Crl.M.C.No.1212 of 2015

Dated this the 26th day of February, 2015

O R D E R

The petitioner herein is the 4th accused in S.C. No.342/2010 of the Additional Sessions Court-IV/Fast Track Court-I, Kottayam. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to release him on bail, or to decide and dispose of his application for bail, without delay. Of course, the relief as sought by the petitioner cannot be granted by this Court under Section 482 of the Code of Criminal Procedure. The learned trial judge, who has issued warrant of arrest for proper reasons, will have to consider the request for bail. It is for the trial court to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the trial court and make application for bail. He will have to explain the reason for his absence in court. Anyway, let appropriate decision regarding bail be taken by the learned trial judge. However, a direction can be made to consider and dispose

of the application for bail on the date of surrender itself.

In the result, this petition is closed with direction to the court below that in case the petitioner makes application for bail on surrender in S.C. No.342/2010, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

Sd/-

P. UBAID, JUDGE

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